

**CONCORD CONSERVATION COMMISSION
DRAFT MINUTES
Regular Meeting
March 9, 2016
Second Floor Conference Room, City Hall
41 Green Street, Concord, NH**

Attendance

Christopher Morgan, Chair, called the meeting to order at 7:00 p.m.

Members present at the meeting included: Chair Christopher Morgan; Tracey Boisvert; Rick Chormann, Chris Kane, Kris Tardiff, and Councilor Mark Coen. Senior Planner Beth Fenstermacher and temporary Administrative Specialist Kate Kindel also attended the meeting.

1. Minutes: February 10, 2016 meeting

Ms. Tardiff moved to approve the Minutes as written; Mr. Kane seconded the motion, and it was unanimously passed.

2. Informational discussion with Kate Wilkins of Tighe & Bond on behalf of Eversource regarding pole replacement in Turtle Pond.

Kate Wilkins and John Casey were present on behalf of Eversource. She explained that two poles (#84 & #85) dating back to 2007, need to be replaced in Turtle Pond, which is located on Conservation land. This is maintenance work, as they have begun to lean out of alignment. Eversource has begun talks with Bill Thomas at DES, who suggested that they apply for a Major Impact Permit. To enhance the stability of the new poles, they will be fortified with rock buttresses at the bottom of the poles, which will lessen the impact of seasonal variation in the pond due to temperature. As a result, the permanent impact area will be increased to approximately 1600 sf., with temporary impact to 25,000 sf. The two old monopole structures will be replaced with H-frames for stability. They will install runners for the timber mats for construction, stacking timber mats on top of each other until the desired height is reached. will utilize . Ms. Wilkins provided a graphic of the proposed buttresses, each with a dimension of 8.385 sf., and protruding a few feet above the water line.

Ms. Boisvert asked how deep the water is in that location, Ms. Wilkins responded that it ranges from deep muck/emergent to a few feet of open water.

Ms. Tardiff asked if the buttressing method had proven effective in the past. Mr. Casey said that he has only seen this before in Deerfield.

Ms. Wilkins emphasized that they don't want to overly disrupt the turtle inhabitants (wood and blandings), so they have consulted with Natural Heritage and the DFW; as a result, they will be closely monitored during the duration of the project; both before, during, and after. She added that – by the time of the project – the turtles will have emerged from hibernation. Additionally, the buttresses will provide basking habitat.

Mr. Casey noted that the two-pole replacements will be far more stable than the current monopoles.

There were no further comments or questions from the Commission, who then thanked Ms. Wilkins and Mr. Casey for their presentation. They said that their application for a wetlands permit should arrive in a week.

3. Mark Sargeant – regarding proposed deeding of conservation land off Bog Road

Mark Sargent, a surveyor with Richard Bartlett and Associates, represented the Owner, Private Reserve. The 24 acre property is located adjacent to 84 Bog Road, and was previously subdivided. A 50-foot access between 84 and 92 Bog Road was provided as part of the subdivision. The client has decided not to pursue previous plans for multi-family housing for the property due to infrastructure restraints. Instead, the property owner would like to further subdivide the parcel for single-family residential development and would like to donate a 20.85 acre conservation easement on one of the parcels. The parcel contains large areas of wetlands and there is evidence of deer and grouse inhabitants.

Mr. Kane asked about public access; Mr. Sargent responded in the affirmative. Ms. Boisvert asked about the existence of vernal pools, and Mr. Sargent said that he was unsure, though there *is* standing water. Mr. Morgan asked if they had approached any land trusts, and was informed that they had decided to contact the City of Concord first. Ms. Tardiff asked about the existence of roads; and was told that there are skid trails, because the area was once heavily logged. The Commission expressed interest in doing a walk-through, and Mr. Sargent will work with Ms. Fenstermacher to arrange this.

As it was not yet 7:30 pm, the Commission decided to go ahead with **Item #5**.

5. NHDES items

a. Wetlands Permit Application by Stantec Consulting Services, Inc., on behalf of NHDOT for 3,935 SF of permanent impacts and 15,665 SF temporary impacts associated with the replacement of two failing existing culverts under I-393 and slipline a third culvert as part of the needed infrastructure improvements.

Mr. Morgan and Ms. Fenstermacher identified the project area between Exits 1 & 2, located near the oxbow at the bottom of the bluffs by Hazen Dr. Ms. Tardiff stated that this seemed to be necessary maintenance work. The Commission had no comments or feedback for the applicant.

4. Trails subcommittee planning and organization

Mr. Morgan spoke about the need for a more formally-organized Trails committee; and noted that a letter had been mailed to them in January, referencing the Commission's need for this. He noted that the volunteers are of great asset to the Concord Trails system, and expressed the Commission's appreciation for their hard work. Due to City by-laws, this sub-committee structure is mandated.

Ms. Fenstermacher said that she had researched a successfully-organized Trails Committee located in Wellesley, MA composed of a Chair, Co-chair, etc. which would take over the Agendas, Minutes, and scheduling of volunteers' time, reducing the burden on full-time Staff, and a separate "Friends of the Trails" group that focused solely on maintenance work in the field. Discussion ensued regarding how reports would be handled; would volunteers report in person at Commission meetings? Would the Commission learn of their work through their written Minutes? Should the volunteers report to Ms. Fenstermacher, who would then convey information to the Commission?

Ron Raynor stated that reports are currently made to Ms. Fenstermacher, and that she writes up their Minutes; he questioned the "formality" and "bureaucracy" of organizing a more structured committee. He acknowledged that this is a large investment of time for Ms. Fenstermacher.

Rob Talmadge asked if Commission approval will be necessary for the new committee's decisions, action items, etc. Mr. Morgan replied that this would – indeed – be proper procedure. Mr. Talmadge also inquired as to whether a Mission Statement would be created. Mr. Morgan thought that it would be a good idea. When Ms. Fenstermacher was asked if a Mission Statement existed for the Trails Committee in Wellesley, she read that it was to "develop, promote, and maintain the town's trail system." She also read off a list of specific goals and duties; Councilor Coen asked if that was comprehensive enough. Discussion ensued, and Ms. Fenstermacher decided that "to develop and enhance the town's trail network" was best, but emphasis should be that this is done *through* the new Trails Subcommittee and Conservation Commission.

Greg Monesco asked, “What was the problem with the old committee?” Mr. Morgan explicated that it didn’t meet the City’s by-law requirements for a subcommittee which reports to the Commission. The newer structure would allow for more participation on the part of the City; more planning and management, not solely trail maintenance. He also said that it would also be able to further promote the Trails Committee by establishing further public engagement and awareness.

Rob Knight suggested that the new Mission Statement be tied in with the 2030 Master Plan. Perhaps at the first committee meeting, he also suggested, they could formulate their vision for the future, and forward it to the Conservation Commission for approval. Further, he thought that setting yearly goals might be helpful.

Mr. Kane stated that, ultimately, this will result in a higher public profile for the Trails Committee, and allow the public – even the City Council - to more fully understand their work. Ms. Fenstermacher added that future Trails Agendas and Minutes will be able to be linked to the Conservation Commission, and therefore posted to the City website.

David Ross asked if the newly-structured committee would require a different legal liability; would his protection change? Ms. Fenstermacher promised to look into this, and also commented that the volunteers should have already signed an Indemnification Agreement, and if they haven’t, then they should do so promptly.

It was explained that both Ms. Fenstermacher and Mr. Klemarczyk would be considered “staff,” not committee members. There was discussion about which night of the week the committee would meet, a requirement for consistent attendance; length of term; whether there would need to be “alternates,” etc.

Ms. Fenstermacher compiled a list of names of people wishing to serve on the Sub-committee:

- Rob Knight
- Fran Philippe
- Greg Mannesto
- Tim Pifer
- Rob Talmadge
- Peter Ellinwood
- David Ross
- Hilary Thomson
- Kathy Healy (as Conservation Commission representative)
- Gail Page
- Mike Lehman
- Audra Klumb

There will be a separate list of “Friends” of the Trails Committee.

Hilary DeAngelis expressed her appreciation for the “structure” that the new sub-committee would provide. Ms. Fenstermacher will provide a list of agenda items to be discussed at the first meeting scheduled for March 23, 2016. Mr. Morgan expressed the Commission’s appreciation for all of the volunteers’ hard work.

Mr. Morgan, Mr. Kane, and Mr. Chormann will be re-appointed to the Conservation Commission for a new term at the City Council meeting on March 14, 2016. Ms. Healy’s appointment will also be made official at that time.

6. Reports

- a. Trails Committee**
- b. Upper Merrimack River Local Advisory Committee**

This Committee next meets on Monday, March 14; their last meeting was cancelled.

- c. Contoocook and North Branch Rivers Local Advisory Committee**

d. Forestry

Ms. Fenstermacher said that, according to Mr. Klemarczyk, timber sales from behind the cemetery have been completed. Broken Ground trails remain in the early planning stage.

e. Street Trees

Ms. Fenstermacher explained that a cross interdepartmental report will be made to the City Council in April regarding current insect infestation issues. There will not be an immediate resolution to tree re-planting at Rollins Park, as it will not be in the Budget until 2018. The Emerald Ash Borer remains a concern, and a community workshop to provide information is planned for early May. There is a wasp study to be conducted at Terrill Park.

7. City Council/Planning Board

Mr. Morgan inquired about the CUP for 92 Runnells Road. Ms. Fenstermacher reported that the applicant has not filed for a building permit. It is her understanding that the planting plan also requires revisions.

8. City Open Space

a. Open Space Plan

Ms. Fenstermacher reported that the proposal should be completed by the end of April, she will notify the Commission when the RFP schedule is available.

9. Easement Stewardship/Monitoring

Ms. Boisvert is in receipt of the spreadsheet that Ms. Fenstermacher has compiled. Currently, there are homeless issues on four of the properties. Property owners are responsible for cleanup. The clean up on the property on Locke Road has not been successfully resolved. She commented that there is considerable variation in the wording of many of the easements; particularly with regard to the dumping of materials, and exactly what constitutes a small “structure.” Therefore, legal interpretation and amount of discretionary permission is complex. Ms. Boisvert will come into the office and initiate further research into these issues.

10. Other Business:

a. Haller parcel

Ms. Fenstermacher and Mr. Morgan have scheduled a meeting with the Hallers for March 10. Council approval to accept the Stormwater Protection Grant will be requested at the meeting on March 14; it must then go before the Governor and Council for their approval. If all is approved, then these funds will finance the appraisal of the woodlot. The paper work for the ARM Grant to help fund the purchase will then be the next step in the process.

b. Northern Pass (Public Meeting March 10)

Deputy Solicitor Danielle Pacik will attend the March 21st intervenor status hearing for the City, at which time she will also object to the request that the SEC deny separate intervenor status to Conservation Commissions. Ms. Tardiff will speak on the behalf of the Concord Conservation Commission during the March 10th public hearing. Mr. Morgan noted that there is considerably more information about the visual impact in Concord than had been garnered previously (now available on the SCC website).

c. Proposed solar arrays at Hall Street (Council Agenda Item – March 14th)

Ms. Fenstermacher explained that this involves a proposal to construct a solar array on a 26-acre parcel of land leased by Keith Richards next to the Water Treatment Plant on Hall Street. This is within the floodplain identified on the Army Corps mapping, but not on the FEMA map. This matter will be discussed at the March 14 City Council meeting. These

solar panels will take approximately 13 acres out of agricultural use. Ms. Fenstermacher reported that, according to Mr. Richards, this area is – indeed - often under water. If approved by the City Council, installation will take place by the end of summer. Ms. Boisvert asked why this matter had not been previously raised before the Conservation Commission. Mr. Richards stands to lose a \$10,000 investment in the crops he planned to plant this season. The Commission members discussed the possible negative ramifications of Merrimack flooding in this area if the project is completed. Mr. Morgan and Ms. Fenstermacher will attend the meeting

d. Other items

Ms. Boisvert announced that she will be attending the “Saving Special Places” conference on April 9, and will forward the brochure to other interested Committee members. She also reminded the Committee that the next round of ARM Grants will be coming up soon, and that there is a sub-section which involves the Merrimack River Water Shed, and money that has been allotted for this.

Councilor Coen discussed the proposal to move the 4th of July fireworks to the corn field behind the Post Office, at a cost of \$1600 for 4 acres; this area is leased and farmed by Keith Richards, who firmly objected when this proposal was first brought to him. This will be discussed at the upcoming City Council meeting. Members discussed that this should have come before the Conservation Commission, as the Commission manages the land. Councilor Coen noted that this plan would cost the City more than the usual cost when held at Memorial Field.

Mr. Morgan explained that Five Rivers Conservation Trust had asked him if the Commission had any interest in a parcel of land on Little Pond Road that is for sale by owner. He asked if there would be interest in purchasing this house lot with roadway frontage, though it does abut property currently owned by the City. Ms. Boisvert and Mr. Kane both said that this might be worth further research.

Ms. Fenstermacher and the Commission briefly discussed the Merrimack River Greenway Trail Boardwalk, and a notification that geotechnical boring work is about to begin.

There being no further business, the meeting adjourned at 9:18 pm.

A TRUE RECORD ATTEST:

Katrina Kindel, Administrative Specialist *pro-tem*